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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013-231

13 **WILLIAM GARRETT DEAN**

14 **Address of Record:**

15 **P.O. Box 119**

**Peterson, AL 35478**

**DEFAULT DECISION AND ORDER**

16 **Additional Address:**

17 **68 Major Street**

**Lebanon, VA 24266**

[Gov. Code, §11520]

18 **Registered Nurse License No. 597523**

19 Respondent.

20  
21 **FINDINGS OF FACT**

22 1. On or about October 2, 2012, Complainant Louise R. Bailey, M.Ed., R.N., in her  
23 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
24 Consumer Affairs, filed Accusation No. 2013-231 against William Garrett Dean ("Respondent")  
25 before the Board of Registered Nursing. (Accusation attached as Exhibit A.)

26 2. On or about April 8, 2002, the Board of Registered Nursing ("Board") issued  
27 Registered Nurse License No. 597523 to Respondent. The Registered Nurse License expired on  
28 August 31, 2003, and has not been renewed.

1           3.     On or about October 2, 2012, Respondent was served by Certified and First Class  
2 Mail copies of Accusation No. 2013-231, Statement to Respondent, Notice of Defense (two blank  
3 copies), Request for Discovery, and Discovery Statutes (Government Code sections 11507.5,  
4 11507.6, and 11507.7) at Respondent's address of record which, pursuant to California Code of  
5 Regulations, title 16, section 1409.1, is required to be reported and maintained with the Board.  
6 Respondent's address of record was and is: P.O. Box 119, Peterson, AL 35478.

7           4.     On or about October 2, 2012, Respondent was served by Certified and First Class  
8 Mail copies of Accusation No. 2013-231, Statement to Respondent, Notice of Defense (two  
9 blank copies), Request for Discovery, and Discovery Statutes (Government Code sections  
10 11507.5, 11507.6, and 11507.7) at an additional address: 68 Major Street, Lebanon, VA 24266.

11           5.     Service of the Accusation was effective as a matter of law under the provisions of  
12 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
13 124.

14           6.     On or about October 14, 2012, the documents described in Paragraph 3 were returned  
15 by the U.S. Postal Service marked "Return to Sender Unable to Forward; Box Closed." The  
16 address on the documents was the same as the address on file with the Board. Respondent failed  
17 to maintain an updated address with the Board and the Board has made an attempt to serve the  
18 Respondent at the address on file.

19           7.     On or about November 5, 2012, the documents described in Paragraph 4 served by  
20 Certified Mail were returned by the U.S. Postal Service marked "Other." The documents  
21 described in Paragraph 4 served by First Class mail were not returned by the U.S. Postal Service.

22           8.     On October 9, 2012, Respondent telephoned Deputy Attorney General Sydney M.  
23 Mehringer and acknowledged that he had received the documents described in Paragraph 4 at 68  
24 Major Street, Lebanon, VA 24266.

25           9.     Government Code section 11506 states, in pertinent part:

26                 (c) The respondent shall be entitled to a hearing on the merits if the respondent  
27 files a notice of defense, and the notice shall be deemed a specific denial of all parts  
28 of the accusation not expressly admitted. Failure to file a notice of defense shall  
constitute a waiver of respondent's right to a hearing, but the agency in its discretion  
may nevertheless grant a hearing.

10. Respondent failed to file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No. 2013-231.

11. California Government Code section 11520 states, in pertinent part:

(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent.

12. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on the relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as taking official notice of all the investigatory reports, exhibits and statements contained therein on file at the Board's offices regarding the allegations contained in Accusation No. 2013-231, finds that the charges and allegations in Accusation No. 2013-231, are separately and severally, found to be true and correct by clear and convincing evidence.

13. Taking official notice of its own internal records, pursuant to Business and Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation and Enforcement is \$1,037.50 as of November 6, 2012.

#### DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent William Garrett Dean has subjected his Registered Nurse License No. 597523 to discipline.

2. The agency has jurisdiction to adjudicate this case by default.

3. The Board of Registered Nursing is authorized to revoke Respondent's Registered Nurse License based upon the following violations alleged in the Accusation which are supported by the evidence contained in the Default Decision Evidence Packet in this case:

(a) Business and Professions Code section 2761, subdivision (a)(4) on the grounds of unprofessional conduct because:

(i) On September 30, 2008, in the matter *In re William Dean, R.N.*, the Virginia Board of Nursing ("Virginia Board") issued an order indefinitely suspending Respondent's

1 registered nursing license for a period of no less than two years. In its September 30, 2008 order,  
2 the Virginia Board found that while he was employed at Carilion Roanoke Memorial  
3 Rehabilitation Center in Roanoke, Virginia, Respondent diverted controlled substances for his  
4 own personal and unauthorized use. Specifically, from March 1, 2007 through April 2, 2007, a  
5 review of the medications Respondent withdrew from the Pyxis machine revealed 51 different  
6 discrepancies. The Virginia Board also found that on July 8, 2002, the Rhode Island Board of  
7 Nursing denied Respondent's application for licensure due to drug diversion. Finally, the  
8 Virginia Board found that on November 23, 2004, in response to an application for employment  
9 with Carilion Roanoke Memorial Rehabilitation Center, Respondent answered "no" to the  
10 question "have you ever received disciplinary action, been placed on probation, or been  
11 investigated by a state licensing board(s)" when in fact he had been denied licensure in Rhode  
12 Island.

13 (ii) On October 1, 2010, in the matter *In re William G. Dean, R.N., Reinstatement*  
14 *Applicant*, Respondent submitted an application for reinstatement of his license to the Virginia  
15 Board. On February 14, 2011, the Virginia Board issued an order granting Respondent's  
16 application for reinstatement of his license.

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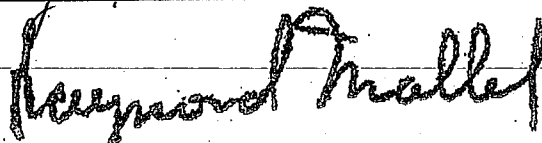
ORDER

IT IS SO ORDERED that Registered Nurse License No. 597523, heretofore issued to Respondent William Garrett Dean, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on March 8, 2013.

It is so ORDERED February 8, 2013



FOR THE BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS

51188329.DOC  
DOJ Matter ID:LA2012507768

Attachment:  
Exhibit A: Accusation

# Exhibit A

Accusation

1 KAMALA D. HARRIS  
Attorney General of California  
2 KAREN B. CHAPPELLE  
Supervising Deputy Attorney General  
3 SYDNEY M. MEHRINGER  
Deputy Attorney General  
4 State Bar No. 245282  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2537  
6 Facsimile: (213) 897-2804  
E-mail: Sydney.Mehring@doj.ca.gov  
7 Attorneys for Complainant

8 BEFORE THE  
9 BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
10 STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2013-231

12 WILLIAM GARRETT DEAN

ACCUSATION

13 Address of Record:  
14 P.O. Box 119  
Peterson, AL 35478

15 Additional Address:  
16 68 Major Street  
Lebanon, VA 24266

17 Registered Nurse License No. 597523

18 Respondent.

21 Complainant alleges:

22 PARTIES

23 1. Louise R. Bailey, M.Ed., R.N. ("Complainant") brings this Accusation solely in her  
24 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
25 Consumer Affairs.

26 2. On or about April 8, 2002, the Board issued Registered Nurse License Number  
27 597523 to William Garrett Dean ("Respondent"). The Registered Nurse License expired on  
28 August 31, 2003, and has not been renewed.

JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

6. Section 118, subdivision (b) grants the Board jurisdiction over suspended, expired, forfeited, cancelled, or surrendered licenses:

"The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground."

7. Title 16, section 1419.3 of the California Code of Regulations defines the period in which a license may be renewed or reinstated:

"In the event a licensee does not renew his/her license as provided in Section 2811 of the code, the license expires. A licensee renewing pursuant to this section shall furnish a full set of fingerprints as required by and set out in section 1419(b) as a condition of renewal.

(a) A licensee may renew a license that has not been expired for more than eight years by paying the renewal and penalty fees as specified in Section 1417 and providing evidence of 30 hours of continuing education taken within the prior two-year period.

(b) A licensee may renew a license that has been expired for more than eight years by paying the renewal and penalty fees specified in Section 1417 and providing evidence that he or she holds a current valid active and clear registered nurse license in another state, a United States territory, or Canada, or by passing the Board's current examination for licensure."



1 STATUTES

2 8. Section 2761 of the Code states:

3 "The board may take disciplinary action against a certified or licensed nurse or deny an  
4 application for a certificate or license for any of the following:

5 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

6 .....  
7 "(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action  
8 against a health care professional license or certificate by another state or territory of the United  
9 States, by any other government agency, or by another California health care professional  
10 licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that  
11 action."

12 COST RECOVERY

13 9. Section 125.3 of the Code provides, in pertinent part:

14 "(a) Except as otherwise provided by law, in any order issued in resolution of a disciplinary  
15 proceeding before any board within the department or before the Osteopathic Medical Board,  
16 upon request of the entity bringing the proceeding, the administrative law judge may direct a  
17 licensee found to have committed a violation or violations of the licensing act to pay a sum not  
18 to exceed the reasonable costs of the investigation and enforcement of the case.

19 .....  
20 "(i) Nothing in this section shall preclude a board from including the recovery of the costs  
21 of investigation and enforcement of a case in any stipulated settlement."

22 CAUSE FOR DISCIPLINE

23 (Disciplinary Action by the Virginia Board of Nursing)

24 10. Respondent is subject to disciplinary action under Code section 2761 subdivision  
25 (a)(4) on the grounds of unprofessional conduct because his Virginia registered nursing license  
26 was disciplined, as follows:  
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28

1 11. On September 30, 2008, the Virginia Board of Nursing ("Virginia Board") issued an  
2 order indefinitely suspending Respondent's registered nursing license for a period of no less than  
3 two years:

4 12. In its September 30, 2008 order, the Virginia Board found as follows:

5 (a) While he was employed at Carilion Roanoke Memorial Rehabilitation Center in  
6 Roanoke, Virginia, Respondent diverted controlled substances for his own personal and  
7 unauthorized use. Specifically, from March 1, 2007 through April 2, 2007, a review of the  
8 medications Respondent withdrew from the Pyxis machine revealed 51 different discrepancies.

9 (b) On July 8, 2002, the Rhode Island Board of Nursing denied Respondent's  
10 application for licensure due to drug diversion.

11 (c) On November 23, 2004, in response to an application for employment with  
12 Carilion Roanoke Memorial Rehabilitation Center, Respondent stated answered "no" to the  
13 questions "have you ever received disciplinary action, been placed on probation, or been  
14 investigated by a state licensing board(s)" when in fact he had been denied licensure in Rhode  
15 Island.

16 13. On October 1, 2010, Respondent submitted an application for reinstatement of his  
17 license to the Virginia Board. On February 14, 2011, the Virginia Board issued an order granting  
18 Respondent's application for reinstatement of his license. The Virginia Board concluded that  
19 Respondent was a good candidate for the Health Practitioner's Monitoring Program and it ordered  
20 him to enter that program and remain in compliance with the terms of a recovery monitoring  
21 contract.

22 PRAYER


23 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
24 and that following the hearing, the Board of Registered Nursing issue a decision:

25 1. Revoking or suspending Registered Nurse License Number 597523, issued to  
26 William Garrett Dean;  
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2. Ordering William Garrett Dean to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and
3. Taking such other and further action as deemed necessary and proper.

DATED: October 02, 2012

*for*   
LOUISE R. BAILEY, M.ED., R.N.  
Executive Officer  
Board of Registered Nursing  
State of California  
Complainant

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